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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/381,742	10/13/1999	NEWTON B. WHITE, JR.	GRENP001NP	4358

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EXAMINER

ALVAREZ, RAQUEL

ART UNIT	PAPER NUMBER
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2162

DATE MAILED: 04/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/381,742

Applicant(s)

WHITE, JR., NEWTON B.

Examiner

Raquel Alvarez

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2002 and 01 February 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 65-123, 129, 137-140, 163-166 and 168-214 is/are pending in the application.
- 4a) Of the above claim(s) 209-214 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 65-123, 129, 137-140, 163-166 and 168 is/are allowed.
- 6) ☒ Claim(s) 169-208 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) ~~209-214~~ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This office action is in response to communication filed on 1/10/02 and 2/1/02.
2. Claims 1-64, 124-128, 130-136, 141-152, 159-162 and 167 are withdrawn for consideration based on the Applicant's election with traverse.
3. Claims 65-123, 129, 137-140, 163-166, 168 and 169-214 are presented for examination.

**Election/Restrictions**

4. Newly submitted claims 209-214 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the claims are drawn to securely communicating with a server program using secure hypertext transfer protocol (previously presented as claims 153-158).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 209-214 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

**Claim Rejections - 35 U.S.C. § 101**

**5 35 U.S.C. 101 reads as follows:**

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 196 is directed to non-statutory subject matter. Claim 130 recites a data stream. However, the data does not impact functionality to the data stream as claimed. As such, the claimed invention recites non-functional descriptive material, i.e. mere data. The allowance of such a claim would exalt form over substance. For the above mentioned reason, claim 196 is deemed non-statutory.

**Claim Rejections - 35 U.S.C. § 103**

**The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 169-208 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sibley, Jr.(4,677,552 hereinafter Sibley, Jr.).

With respect to claims 169 and 172, Sibley teaches a method for operating an offer matching or information system for a traded item (abstract). Associating a first offer to buy or to sell the traded item with a first identifier (col. 5, lines 51-, col. 6, lines 1-7); receiving request for information where the request includes the first identifier (col. 5, lines 51-, col. 6, lines 1-7).

With respect to the request being received in a manner that does not imply that that the person receiving the information is entitled to receive the information containing the offer. Sibley teaches that the user's terminals are identified but not necessarily the person receiving the information therefore it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included receiving the information in a manner that does not imply the person receiving the information because such a modification would allow the trader's identity to remain anonymous for security reasons. Sibley further teaches sending a reply that concerns the first offer (col. 5, lines 51-, col. 6, lines 1-7).

Claims 170-171 further recites well known execution information and process of an offer.

With respect to claims 173, 175 and 176 , Sibley teaches a method for interacting with an offer matching system for a traded item (Abstract). A first disclosee's determining a first identifier associated with a first offer to buy or to sell the traded item (col. 5, lines 51-, col. 6, lines 1-7).

With respect to the request being received in a manner that does not imply that that the person receiving the information is entitled to receive the information containing the offer. Sibley teaches that the user's terminals are identified but not necessarily the person receiving the information therefore it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included receiving the information in a manner that does not imply the person receiving the information because such a modification would allow the trader's identity to remain anonymous for

security reasons. Sibley further teaches that the first disclosee's receiving a reply that concerns the first offer (col. 5, lines 51-, col. 6, lines 1-7).

Claim 174 further recites that the disclosee possesses information which discloses that a first related person satisfies a first condition and that first related person is acting as an agent for the first offer. Sibley teaches that the disclosee (investor) is the one entering the information in the system and since it is obvious and well known for systems to have agents acting on behalf of the investors then it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included the disclosee having information about the agent because such a modification would allow the investor or disclosee to recognize the agent based on certain conditions and therefore he or she would know that the agent is acting on his or her trade.

With respect to claims 177, 178, 187 and 188, Sibley, Jr. teaches a method for interacting with an offer matching system (abstract). Communicating from a first disclosee to a first participant a first description of the first offer, the first disclosee is not the same as the first participant (i.e. a first disclosee (investor) discloses to the first participant (local exchange) a description of a first offer)(Figure 1); communicating from the first participant to the offer matching system a second description of the first offer (i.e. the local exchange (first participant) communicates the offer information and description on the first offer to the central exchange host (matching system)(col. 5, lines 34-51); communicating from a second participant to the offer matching system a description of a second offer (i.e. the World trade or central exchange(matching system)

receives information from the other local exchange on different trading positions (selling) for a particular commodity (col. 7, lines 7-, col. 8, lines 1-7); communicating from the first disclosee to the first participant a first request for information concerning the first offer (i.e. the disclosee obtains information concerning the status of the first offer from the local exchange (first participant)(col. 5, lines 34-51); In response to the first request, communicating from the first participant to the offer matching system a second request for information concerning the first offer (i.e. the local exchange communicates with the offer matching system for update information on the first offer(col. 5, lines 14-51).

With respect to the offer matching system executing the first offer at least In part against the second offer In accordance with a set of rules that govern the operation of the offer matching system. Since, the World trade or central exchange host (matching system) receives information on different trading positions some for buy and some for sale and the since the central exchange host completes the transaction based on the matches found for that particular trade then it would have been obvious for the matching system to have a set of rules that govern the operation of the offer matching system because such a modification would allow for consistent In the matching process.

With respect to communicating from the offer matching system to the first disclosee a first response in response to the second request of a first data item responsive to the first request and a first digital signature from the offer matching system. Sibley, Jr. further teaches a response from the offer matching system to the disclosee (investor) In response to the information requested by the disclosee (col. 7,

lines 35- to col. 10 lines 1-66). Since, Sibley, Jr. teaches that the Central exchange host can restrict security by a variety of means such as requesting retinal, finger print verification which will include encryption/decryption circuits(col. 8, lines 38-44 and col. 9, lines 45-53) then it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included requesting a first digital signature in order to achieve the above mentioned advantages.

With respect to claims 179, 181, 182 and 183, Sibley teaches a method for operating an offer matching for a traded item (Abstract). Associating a first offer to buy or to sell the traded item with a first identifier (col. 5, lines 51-, col. 6, lines 1-7).

With respect to publishing, in a manner that permits receipt and use by members of the public with no right to nonpublic information about the first offer, a data pocket that comprises the first identifier and a data item concerning the first offer, where the data item is not the first identifier. Official notice is taken that it is old and well known for members of the public to receive published information about an offer and that the information might not contain all the details information about the offers traded. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included permitting receipt and use by members of the public with no right to nonpublic information about the first offer, a data pocket that comprises the first identifier and a data item concerning the first offer, where the data item is not the first identifier because such a modification would allow members of the public to have information about the items that are being traded.

With respect to claim 180, further recites well known execution information and



process of an offer.

With respect to claim 184, Sibley teaches a method for operating an offer matching system (Abstract). Receiving a first description for a first offer (col. 5, lines 51-, col. 6, lines 1-7); determining that the first description is from the first participant (col. 5, lines 51-, col. 6, lines 1-7).

With respect to storing in the offer matching system an association among a first participant and a first monitor and receiving from the first monitor a message that approves the first offer. It is obvious and well known in the trading business for participants to have agents acting on their behalf and for the system to store the association between the participants and the agents to enable the system to keep track who can act on who's behalf. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included storing an association among a first participant and a first monitor and for receiving from the first monitor a message that approves the first offer for the above mentioned advantages.

With respect to claim 189, since the disclosee obtains information concerning the status of the first offer from the local exchange when a change in the offer has been taken place then it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included responding to the request when a change in the offer has taken place because such a modification would save time by only responding to the request when changes have occurred to the offer.

With respect to claim 190, since the first data item is responsive to the information requested by the disclosee on changes and modifications and changes to

the offer and since the second offer is to be matched with the first offer to find out if a offer can be executed then it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included selecting a predetermined relationship between the first data item and the second offer to obtain the above mentioned advantages.

With respect to claims 191, 192, 194, 195, 197, 198, 201-202, Sibley, Jr. teaches receiving from a first participant a first description of the first offer(Figure 1); receiving from a second participant a description of a second offer(i.e. the World trade or central change(matching system) receives information from the other local exchange on different trading positions(selling) for a particular commodity(col. 7, lines 7-, col. 8, lines 1-7).

With respect to the offer matching system's executing the first offer at least in part against the second offer in accordance with a set of rules that govern the operation of the offer matching system. Since, the World trade or central exchange host(matching system) receives information on different trading positions some for buy and some for sale and the since the central exchange host completes the transaction based on the matches found for that particular trade then it would have been obvious for the matching system to have a set of rules that govern the operation of the offer matching system because such a modification would allow for consistent in the matching process.

With respect to associating a first offer with a first identifier, the first identifier not associated with any offer other than the first offer. Since the participant can have

access to the offer submitted and since it is old and well known practice to assign identifier in the forms of names and ID's to items to enable easy identification then it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included associating an offer with a first identifier and not associated with any offer other than the first offer because such a modification would provide easy identification of the offers.

With respect to publishing the execution of the offer. Official notice is taken that is old and well known to publish the execution of certain items, for example when a home is sold the price and the location is published and it becomes public information. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have published the execution of the offer because such a modification would provide the public with an idea of the sales prices of the items.

With respect to claim 193, since the first data item is responsive to the information requested by the disclosee on changes and modifications and changes to the offer and since the second offer is to be matched with the first offer to find out if a offer can be executed then it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included selecting a predetermined relationship between the first data item and the second offer to obtain the above mentioned advantages.

With respect to claim 199, the claim further recite associating a second offer with a second identifier, the second identifier not associated with any offer other than the second offer. Since the participant can have access to the offer submitted and since it

is old and well known practice to assign identifier in the forms of names and ID's to items to enable easy identification then it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included associating an offer with a second identifier and not associated with any offer other than the second offer because such a modification would provide easy identification of the offers.

Claim 200 further recites that the first data item specifies a price at which the first offer was executed against the second offer. Official notice is taken that is old and well known to publish the execution certain items, for example when a home is sold the price and the location is published and it becomes public information. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included specifying a price at which the first offer was executed against the second offer because such a modification would provide the public with an idea of the sales prices of the items.

Claim 203 further recites refusing to execute the first offer against any other offer until it determines that the message is from the first monitor. Since, Sibley teaches that monitor can have access to the execution and process of the offers by identifying themselves to the offer matching system then it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included determining the message is from a first monitor and not to execute the offer against any other offer until it determines that the message is from the first monitor for security reasons.

With respect to claims 185 and 204, Sibley further teaches determining a minimum price that is the lowest price at which the sell offer may be executed (i.e. in Fig

9 it shows the quantity that can be traded at that particular price for an specific security or item) and determining a maximum price that is the highest at which the buy offer may be executed against the sell offer, wherein the maximum price is greater than the minimum price (i.e. the buyer specifies the maximum quantity and price that he is willing to pay for a particular commodity, the maximum price is greater than the minimum price and In which the buy offer may be executed is greater than the minimum price that is greater than the minimum at which the offer can be executed then the offer will be matched and executed). With respect to selecting a first price that is indicative of recent trading activity for the traded item and executing the sell offer at a maximum price if the first price is greater than the maximum price. Since, In Sibley the buyer selects a first price then it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included the selected price to be indicative of recent trading activity because such a modification would enable the buyer to be informed with the recent trading activity of the item before selecting the minimum and price that he is willing to pay. Sibley like any other trading, exchange system teaches that the offer will be executed if the first price(buy price) is greater than the maximum price that the customer is willing to trade his item for.

Claims 186, 205-208 recite specific information that would be beneficial to the buyer to obtain in order to determine a first price that he might be willing to pay. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included the details of previously executed trade because such a modification would aid the buyer in determining a first price based on the prior history of the executed trades.

**Allowable Subject Matter**

**7. Claims 65-87, 88-123, 129, 137-140 and 163-166 and 168 are allowed.**

With respect to claims 76-81 and 163-166, the Examiner asserts that the first data item concerns the first offer, and before receiving the first data item, the first disclosee does not possess information which discloses that the first data item concerns the first offer, whereby the first discloser, which already possesses information which discloses that the first related person satisfies the first condition, gains possession of information which discloses that the first data item concerns the first offer, is not taught in the prior art of record.

With respect to claims 65-75, 82-87, 101-117, 163-165 and 168, the Examiner asserts that at a time when the first offer was capable of execution, the third offer executed in whole or in part against a fourth offer, wherein the fourth offer is not the first offer, and that at a first time when the first offer was capable of execution: the

third offer executed in whole or in part against a fifth offer, wherein the fifth offer is not the first offer, and the first offer could have executed in whole or in part against the fifth offer in accordance with the set of rules if the offer matching system had not possessed information concerning any other offers for a same side as the first offer; and in response to the first request, and without the offer matching system's determining that the first request is from a person entitled to receive confidential information concerning the third offer, in combination with the other limitations is not taught in the prior art of record.

With respect to claims 94-100, the Examiner asserts that the second data packet is published in a manner that permits the first disclosee to receive it regardless of whether the first disclosee has a right to receive confidential information concerning the first offer, and prior to publication of the second data packet, the first disclosee does not possess information which discloses that the second data item concerns the first offer; the first disclosee's receiving the second data packet and detecting that the second data packet includes the first identifier, whereby the first disclosee, which already possesses information which discloses that the first related person satisfies the first condition, gains possession of information which discloses that the first data item concerns the first offer, in combination with the other limitations is not taught in the prior art of record.

With respect to claims 88-93, 118-123, the Examiner asserts that the first data item concerns the first offer, and the monitor does not already possess information which discloses that the first data item concerns an offer that satisfies the first condition, whereby the first monitor gains information which discloses that the first data item

concerns an offer that satisfies the first condition; and attempting to avoid publicly disclosing that the first data item concerns an offer that satisfies the first condition, is not taught in the prior art of record.

With respect to claims 129 and 137, the Examiner asserts that calculation of the second data item depends upon a third data item that is not obtained from the offer matching system, in combination with the other limitations is not taught in the prior art of record.

With respect to claim 138-140, the Examiner asserts that after receiving the first description but before the offer matching system determines that the future time has occurred, executing the second offer at least in part against the third offer, wherein, if the offer matching system had already determined that the future time had occurred, the second offer would have had a lower execution priority than the first offer and the offer matching system would not have executed the second offer even in part against the third offer, is not taught in the prior art of record.

### ***Response to Arguments***

8. Applicant's arguments filed 1/10/02 and 2/1/02 have been fully considered but they are not persuasive.

A. Added claims 209-214 are part of Invention II and therefore restricted.

B. Claims 187-208 which were identical to already rejected claims 52-55, 124-128, 130-136 and 142-147 are rejected under the same rationale.



C. Added claims 169-186 are broader in scope than the allowed claims and therefore rejected.

D. The rejection to claim 196 (130) is sustained because in claim 196, the data does not impact functionality to the data stream as claimed. Applicant is reminded that section 101 reads:

"Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and **useful improvement** thereof, may obtain a patent therefor, subject to the conditions and requirements of this title".

If there's no functionality then we cannot determine how **useful the improvement is**. Applicant pointed out to claim 21 of US patent 6,301,462 but the examiner is not bound by the prosecution of another case. Therefore the rejection is sustained.

E. Sibley teaches on col. 5, lines 3-26 that the information on any transaction is transmitted through satellite to the central host exchange (14).

F. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the central host giving rise to a binding to clear and settle a trade) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

G. The examiner asserts that the host exchange system (14) in Sibley clearly has a function of executing the trade. If the trades of Sibley were to be executed as the

Applicant mentioned of being executed at the local exchange with rules of their own then there wouldn't have been a need for the host exchange system(14) of Sibley.

H. Applicant argues that Sibley fails to teach the central host exchange having rules that permit terminal on one local exchange to trade with any trader terminal on another local exchange, selecting a predetermined relationship between the first data item and the second offer and publishing system receiving the information and publishing it, the host selecting a price that is indicative of recent trading activity for that item, In response, the Examiner notes that the Sibley reference was never applied as a reference under 35 U.S.C. 102 against claim 1. As such, the examiner respectfully submits that the issue at hand is not whether the applied prior art specifically teaches the central host exchange having rules that permit terminal on one local exchange to trade with any trader terminal on another local exchange or selecting a predetermined relationship between the first data item and the second offer and publishing system receiving the information and publishing it , the host selecting a price that is indicative of recent trading activity for that item *per se*, but rather, whether or not the prior art, when taken in combination with the knowledge of average skill in the art, would put the artisan in possession of this feature. Regarding this issue, it is well established that references are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures, *In re Bozek*, 163 USPQ 545 (CCPA 1969). The issue of obviousness is not determined by what the references expressly state but by what they would reasonably suggest to one of ordinary skill in the art, as supported by decisions in *In re DeLisle* 406 Fed 1326, 160 USPQ 806; *In re Kell, Terry and Davies* 208 USPQ

871; and *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ 2d 1596, 1598 (Fed. Cir. 1988) (citing *In re Lalu*, 747 F.2d 703, 705, 223 USPQ 1257, 1258 (Fed. Cir. 1988)). Further, it was determined in *In re Lamberti et al*, 192 USPQ 278 (CCPA) that:

(i) obviousness does not require absolute predictability;  
(ii) non-preferred embodiments of prior art must also be considered; and  
(iii) the question is not express teaching of references, but what they would suggest.

According to *In re Jacoby*, 135 USPQ 317 (CCPA 1962), the skilled artisan is presumed to know something more about the art than only what is disclosed in the applied references. In *In re Bode*, 193 USPQ 12 (CCPA 1977), every reference relies to some extent on knowledge of persons skilled in the art to complement that which is disclosed therein.

I. The examiner asserts that the second data comprising a second data item was already addressed. The examiner wants to point out that since it is obvious for the offer to be published after it is executed and since different systems or companies have different format for the way that they want their data item to look then it would therefore would have been obvious for the publishing system to calculate another data item from the information received from the matching system because such a modification would provide the user to customize their data item based on their individual's preferences.

J. The examiner wants to point out that an identifier can be any specific characteristic of a person, an animal or a thing. In this case the identifier of an offer can be a specific price range (which is a specific characteristic) of the offer.

K. Since, Sibley teaches as explained above that the central host exchange (14) and as shown in figure 9 where the quantity and price that the user is willing to buy and

the quantity and price that the user is willing to sell is sent to the central host exchange (14) and then the central host exchange system (14) matches the buy offers to the sell offers in order for the central host exchange system to determine if the buy and sell order can be matched it must determine a minimum price that the seller is willing to sell and the maximum price that the buyer is willing to buy the item for.

### ***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### **Points Of Contact**

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (703)305-0456. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w Stamber can be reached on (703)305-8469. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

R.A.  
April 8, 2002

A handwritten signature in cursive script, reading "Eric W. Stamber".

**ERIC W. STAMBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100**